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**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

JAMES A. FRY d/b/a FOX  
NETWORK SYSTEMS,

Plaintiff,

v.

AZTEC DOBERMAN PINSCHER  
CLUB OF SAN DIEGO,

Defendant.

AZTEC DOBERMAN PINSCHER  
CLUB OF SAN DIEGO

Counter-Claimant

v.

JAMES A. FRY an individual and d/b/a  
DOBERMANRESQ.COM; and  
DOBERMANRESQ INC., a California  
corporation,

Counter-Defendants.

Case No. 11-CV-1329 BTM (POR)

**NOTICE OF MOTION TO MODIFY THIS  
COURT'S SCHEDULING ORDER TO  
ALLOW PLAINTIFF AND COUNTER-  
DEFENDANTS TO FILE THEIR FIRST  
AMENDED COMPLAINT**

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**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE THAT** on August 23, 2012 at 3:30 p.m., or as soon thereafter as counsel can be heard, Plaintiff and Counter-Defendants, JAMES A, FRY, DOBERMANRESQ.COM and DOBERMANRESQ, INC. (collectively referred to as "PLAINTIFFS") will move this Court, located at 880 Front Street, San Diego, California 92101, for an order granting PLAINTIFFS' request for this Court to modify its scheduling order and granting PLAINTIFFS' request for leave to file their First-Amended Complaint attached to the Notice of Lodgment as Exhibit "A."

This Motion will be made on the grounds that there is good cause to modify the scheduling order and no undue prejudice will occur if this Court allows PLAINTIFFS to file their first amended complaint.

This Motion will be based on Federal Rules of Civil Procedure, Rules 15 and 16, this Notice, the attached Memorandum of Points and Authorities, Declaration of Donald E. McInnis, Notice of Lodgment, and the Court's file in this matter together with such oral or documentary evidence as may be presented at the time of hearing.

/s/ Donald E. McInnis

Dated: July 10, 2012

By:

Donald McInnis, Attorneys for Plaintiff, and Counter-Defendant JAMES A. FRY, an individual, d/b/a FOX NETWORK SYSTEMS, DOBERMANRESQ.COM and DOBERMANRESQ INC.

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